

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

THOMAS FARROW,

Plaintiff,

-against-

5:12-CV-01401 (LEK/ATB)

THE CITY OF SYRACUSE; JAMES H.  
CECILE; JOHN H. BRUNETTI;  
MICHAEL A. MANFREDI; ANDREW  
WIGTON; and GORDON QUONCE,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation and Order filed on September 17, 2012 by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 5 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (citations omitted).

Here, no objections have been raised in the allotted time with respect to Magistrate Judge Baxter’s Report-Recommendation. See generally Dkt. After a thorough review of the Report-Recommendation and the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

The Court does note, however, that in the intervening period since the filing of the Report Recommendation, Plaintiff filed an Amended Motion for leave to proceed *in forma pauperis*. Dkt. No. 6. Judge Baxter subsequently granted this Motion. Text Order October 4, 2012.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 5) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

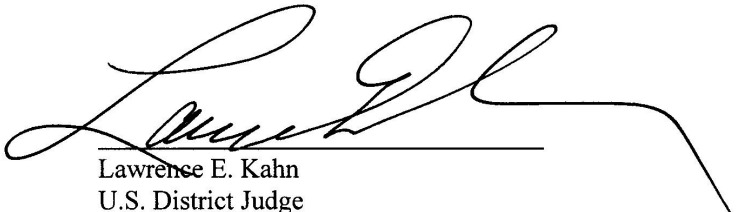
**ORDERED**, that Plaintiff's claims against **Defendants CECILE, BRUNETTI, and MANFREDI** are **DISMISSED sua sponte with prejudice** based upon absolute immunity pursuant to 28 U.S.C. § 1915(e)(2)(B) (iii); and it is further

**ORDERED**, that this case proceed only as to Plaintiff's claims of **excessive force** and only against **Defendants WIGTON, QUONCE, and THE CITY OF SYRACUSE**, and that the Clerk of the Court return the Complaint (Dkt. No. 1) to Judge Baxter for the purpose of ordering service on the remaining Defendants; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order upon the parties to this action.

**IT IS SO ORDERED.**

DATED: November 20, 2012  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge